



NOTICE OF WRITTEN *EX PARTE* CONTACTS

May 21, 2007

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Portals II, Room TW-A325
Washington, DC 20554

Re: Written Ex Parte Notice filed electronically in the proceeding captioned:

In the Matter of Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use Assignment of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) to the Public Safety Broadband Trust for Deployment of a Shared Public Safety/Commercial Next Generation Wireless Network [RM-11348¹]

In the Matter of Service Rules for the 698-806 MHz Band and Revision of the Commission's Rules Regarding Enhanced 911 Emergency Calling Systems, Hearing Aid-Compatible Telephones, and Public Safety Spectrum Requirements [WT Docket No. 06-150; CC Docket No. 94-102; WT Docket No. 01-309; WT Docket No. 03-264; WT Docket No. 06-169; PS Docket No. 06-229; WT Docket No. 96-86; FCC No. 07-72²]

In re: M2Z Networks, Inc. Application for License and Authority to Provide National Broadband Radio Service in the 2155-2175 MHz Band [WT Dkt. 07-16] In re: M2Z Networks, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c) Concerning Application of Section 1.945(b) and (c) of the Commission's Rules and Other Regulatory and Statutory Provisions [WT Dkt. 07-30]

In the Matter of Unlicensed Operation in the TV Broadcast Bands; Additional Spectrum for Unlicensed Devices Below 900 MHz and in the 3 GHz Band [ET Docket No. 04-186]

Dear Ms. Dortch:

On March 22, 2007, I sent the attached letter to all five FCC Commissioners and their legal advisors, with a copy to Tom Navin, the Wireline Competition Bureau Chief. In accordance with section 1.1206 of the Commission's rules, this letter is being filed electronically.

¹ FCC staff dismissed the Cyren Call petition (DA 06-2278, rel. Nov. 3, 2006) without prejudice but held this docket open for public comment.

² In this Further Notice of Proposed Rulemaking, 72 Federal Register 24238 (May 2, 2007), the FCC makes proposals on issues affecting licensing, service and technical rules for the 698-806 MHz Band and seeks comment on Frontline Wireless, LLC's "Public Safety Broadband Deployment Plan." The FCC intends to rely on the extensive record already developed in the three pending 700 MHz Band proceedings. Because decisions on certain issues in those proceedings are potentially interrelated, the FCC will address them jointly in this FNPRM to "... promote access to 700 MHz Band spectrum and the provision of service to consumers across the country, including in rural areas, as well as opportunities for broadband service for public safety users."

Please feel free to contact me at 202.898.2207 or jramsay@naruc.org if you have any questions.

Sincerely,

/s/

James Bradford Ramsay
NARUC General Counsel



May 21, 2007

The Honorable Kevin Martin, Chairman
The Honorable Michael Copps, Commissioner
The Honorable Jonathan Adelstein, Commissioner
The Honorable Deborah Tate, Commissioner
The Honorable Robert McDowell, Commissioner
Federal Communications Commission
445 12th Street, SW, Portals II, Room TW-A325
Washington, DC 20554

RE: *In the Matter of Reallocation of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) from Commercial Use Assignment of 30 MHz of 700 MHz Spectrum (747-762/777-792 MHz) to the Public Safety Broadband Trust for Deployment of a Shared Public Safety/Commercial Next Generation Wireless Network* [RM-11348³]

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Commissioners:

The FCC has a number of open proceedings that involved creative spectrum management policies. On February 21, 2007, the National Association of Regulatory Utilities Commissioners' (NARUC) Board of Directors adopted a resolution supporting broadband deployment and urging the Federal Communications

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⁴ In this Further Notice of Proposed Rulemaking, 72 Federal Register 24238 (May 2, 2007), the FCC makes proposals on issues affecting licensing, service and technical rules for the 698-806 MHz Band and seeks comment on Frontline Wireless, LLC's "Public Safety Broadband Deployment Plan." The FCC intends to rely on the extensive record already developed in the three pending 700 MHz Band proceedings. Because decisions on certain issues in those proceedings are potentially interrelated, the FCC will address them jointly in this FNPRM to "... promote access to 700 MHz Band spectrum and the provision of service to consumers across the country, including in rural areas, as well as opportunities for broadband service for public safety users."

Commission to pursue creative spectrum management policies that will ensure nationwide deployment of broadband services.

Because the above referenced dockets are relevant to spectrum policy and broadband deployment issues we have enclosed our resolution to be included in the public record.

NARUC's February 2007 Resolution

The February resolution points out that:

- All Americans deserve affordable access to the educational, civic, economic and informational benefits that broadband access delivers;
- New technologies, including cable, wireless, satellite and BPL, hold promise in delivering affordable broadband services efficiently;
- Ubiquitous access to reliable broadband Internet service is essential for our nation's economy to grow and compete in the 21st century economy; *and that*
- The utility of broadband connections to cities, counties, public safety officers and command centers, parents, libraries and educators across the country would be enhanced by the availability of broadband technologies.

The resolution specifically encourages endeavors that:

- Embrace the principles expressed and seek to speed the deployment of affordable broadband technologies across the United States; *and*
- Will bring new network providers, including cable, wireless, satellite and BPL, into the market as these new providers will help make reliable broadband service more affordable and available.

It also "encourages . . .the Federal Communications Commission . . .to consider creative approaches to spectrum allocation and assignment policy that will speed the deployment of broadband technologies across the United States and directs NARUC's General Counsel, "with the consent of NARUC leadership, to communicate this resolution, including supporting initiatives that seek to improve and speed broadband deployment across America, to all relevant policymakers."

NARUC in this resolution took *no position on any specific proposal*. All such proposals include elements that weigh in favor and against their adoption. However, while each proposal must be weighed on a variety of issues not addressed by NARUC, several proposals pending before the agency contain some elements that are consistent with the association's most recent resolution.

Respectfully Submitted,

/s/

James Bradford Ramsay
General Counsel, NARUC

Resolution Supporting Broadband Deployment

WHEREAS, The National Association of Regulatory Utilities Commissioners (NARUC) has previously expressed its commitment through resolutions in past years to advancing the deployment of broadband technologies and access across the United States; *and*

WHEREAS, Current statistics show that the United States is falling behind many other nations in terms of broadband deployment, adoption and affordability; *and*

WHEREAS, All Americans deserve affordable access to the educational, civic, economic and informational benefits that broadband access delivers; *and*

WHEREAS, New technologies, including cable, wireless, satellite and BPL, hold promise in delivering affordable broadband services efficiently; *and*

WHEREAS, Ubiquitous access to reliable broadband Internet service is essential for our nation's economy to grow and compete in the 21st century economy; *and*

WHEREAS, The utility of broadband connections to cities, counties, public safety officers and command centers, parents, libraries and educators across the country would be enhanced by the availability of broadband technologies; *now, therefore be it*

RESOLVED, That the Board of Directors of the National Association of Regulatory Utility Commissioners, convened at its February 2007 Winter Meetings in Washington, D.C., encourages endeavors that embrace the principles expressed in this resolution and seek to speed the deployment of affordable broadband technologies across the United States; *and be it further*

RESOLVED, That NARUC encourage endeavors that will bring new network providers, including cable, wireless, satellite and BPL, into the market as these new providers will help make reliable broadband service more affordable and available; *and be it further*

RESOLVED, That NARUC encourages members of Congress, the Federal Communications Commission and National Telecommunications Information Agency (NTIA) to consider creative approaches to spectrum allocation and assignment policy that will speed the deployment of broadband technologies across the United States; *and be it further*

RESOLVED, That NARUC directs its General Counsel, with the consent of NARUC leadership, to communicate this resolution, including supporting initiatives that seek to improve and speed broadband deployment across America, to all relevant policymakers, including Federal and State agencies and Congress.

Sponsored by the Committees on Telecommunications and Consumer Affairs

Adopted by the NARUC Board of Directors, February 21, 2007